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Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1925 (2010), by which the Council extended the mandate of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) until 30 June 2011. By paragraph 20 of that resolution, the Council requested that I report, by 13 May, on the progress on the ground and on the assessment conducted jointly with the Congolese authorities regarding the implementation of the objectives set out in paragraph 6 of the resolution. The present report covers developments that occurred during the period between the issuance of my report of 17 January (S/2011/20) and 5 May 2011.

II. Major developments

2. With the exception of the eastern provinces of Orientale and North and South Kivu where violence has persisted, the overall situation in the Democratic Republic of the Congo remained relatively stable. Pre-electoral activities intensified across the country, including voter registration and actions by the Commission electorale nationale indépendante (CENI). Constitutional amendments were also promulgated, including the change of the presidential poll to a single round. Delays in voter registration and the adoption of essential electoral legislation, however, are expected to pose continued challenges to the timely conduct of the polls. Although the formal campaign period has not yet begun, opposition parties and civil society expressed concern over the disruption of their political activities by national authorities, particularly the police.

3. Progress made towards the neutralization of foreign and Congolese armed groups in the Kivus remained limited. The Forces armées de la République démocratique du Congo (FARDC) began internal restructuring in the Kivus while intensifying negotiations with the residual Congolese armed groups on their integration into FARDC. There were continued attacks against civilians, including acts of sexual violence, by foreign and Congolese armed groups and some FARDC elements. In an encouraging development, trials of FARDC officers accused of

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human rights violations were conducted in South Kivu. In Orientale Province, the Lord's Resistance Army (LRA) continued to attack and abduct civilians.

4. In a tragic accident which occurred on 4 April, an airplane contracted by MONUSCO crashed while landing in Kinshasa. All but one of the 33 passengers and crew perished, including staff of MONUSCO, the United Nations Development Programme (UNDP), the Office for the Coordination of Humanitarian Affairs, the World Food Programme and the United Nations Office for Project Services. The Congolese authorities and international experts are investigating the accident.

National political developments and institutions of Government and Parliament

5. On 20 January, the President of the Democratic Republic of the Congo, Joseph Kabila, promulgated the draft law on constitutional amendments, which had been adopted by the National Assembly and the Senate on 15 January. The amendments, inter alia, changed the voting system for presidential elections from a two-round to a single-round poll. While the changes were adopted in compliance with constitutional requirements, opposition parties expressed concern regarding the lack of public debate accompanying their adoption. They also noted that a single round of voting could affect the popular legitimacy of the results by enabling the election of a President with less than 50 per cent of the popular vote.

6. On 15 February, the leader of the Union pour la démocratie et le progrès social, Etienne Tshisekedi, reiterated his intention to run for president. He and the leader of the Union pour la nation congolaise, Vital Kamerhe, announced that they had met on 20 and 23 February to discuss, inter alia, options to present a single candidate for major opposition parties in the presidential polls. On 8 March, the Deputy Prime Minister for Employment, Labour and Social Affairs, François-Joseph Mobutu Nzanga, who is also the President of the Union des démocrates mobutistes, a party associated with the Alliance pour la majorité présidentielle (AMP), was dismissed from his ministerial post by President Kabila, on the grounds of three months of unjustified absence from the country.

7. The pre-electoral campaign period has also been marked by an increase in politically motivated human rights violations. Since January, MONUSCO has documented over 100 reported incidents targeting political opposition members and supporters, journalists and human rights defenders. Among those, the Union pour la nation congolaise and the Union pour la démocratie et le progrès social reported cases of restrictions in conducting political activities, including arrests of and violence against supporters by national security elements.

8. On 1 April, a Charter was adopted establishing a new political platform that replaced AMP with the Majorité presidentielle (MP). According to MP, the aim of the Charter is to strengthen the coalition of political parties which had adhered to AMP in advance of the general elections. The political parties which had formed AMP signed the Charter on 5 April, with the exception of l'Alliance pour le renouveau du Congo and le Rassemblement congolais pour la démocratie — Mouvement de libération.

9. Regarding the country's electoral institutions, CENI was sworn in on 26 February, with Pastor Daniel Ngoy Mulunda as Chairperson. Between 24 March and 2 April, CENI met in Lubumbashi to discuss the electoral preparations and calendar. Subsequently, CENI initiated consultations with political parties, religious

congregations and other stakeholders, including international partners, aimed at enhancing dialogue. With MONUSCO support, CENI convened a colloquium in Kinshasa on 11 and 12 April, which was attended by MP and opposition political parties, as well as representatives of the national security forces, civil society, religious leaders and national media. During the meeting, opposition parties emphasized the need to respect constitutional deadlines with regard to the timing of the presidential and national legislative elections. Participants also agreed on the need to update the code of conduct for political parties. On 30 April, CENI announced that the presidential and national legislative elections would be held jointly on 28 November.

10. Parliament formally reconvened on 15 March, although the quorum needed to begin work was not achieved until April. On 11 April, the National Assembly began discussion of a draft electoral law governing the organization of the presidential, national and provincial legislative elections, and local elections. Other parliamentary agenda items included the harmonization by a mixed parliamentary commission of the draft organic laws on the reform of the police and the army. A revised version of the organic law establishing the Constitutional Court was submitted for promulgation by the President.

11. In the meantime, on 27 February, unidentified armed men launched an attack on the presidential residence in Kinshasa and FARDC Camp Kokolo, during which eight FARDC elements and 17 assailants were killed. On 7 March, the National Police announced that 126 people had been arrested in connection with the incidents.

North and South Kivu, Maniema and Katanga provinces

12. As military operations against the armed groups continued, the security situation in the Kivus was marked by attacks against civilians, which included acts of sexual violence, exaction and looting, by the Forces démocratiques de libération du Rwanda (FDLR) and Congolese armed groups. Human rights violations, many associated with untrained elements integrated into FARDC from the Congrès national pour la défense du peuple (CNDP) and armed groups, continued to be reported. In North Kivu, the trial had yet to begin with respect to the mass rapes and other human rights violations perpetrated by an alliance of armed groups along the Kibua-Mpofi axis in Walikale territory between 30 July and 2 August 2010 (see para. 41). In South Kivu, at the request of the Governor, the Mission on 24 March transferred by plane seven former CNDP integrated elements from Bukavu central prison to Ndolo military prison in Kinshasa. These included Lieutenant Colonel Mutware Kibibi and others involved in the mass rapes committed in the village of Fizi on 1 and 2 January (see para. 42). The prisoners were transferred based on credible reports that an attempt might be made to free them from detention in Bukavu.

13. In January, FARDC units began to withdraw for training and redeployment following the announcement by FARDC in November 2010 of the restructuring of its presence in the Kivus. According to FARDC, several regiments, each composed of 1,200 elements, are to be formed. The withdrawals led to a further deterioration in the security situation in parts of Rutshuru territory and Virunga National Park in North Kivu. In Uvira territory and the Ubwari area in Fizi territory in South Kivu, the withdrawal of FARDC units was accompanied by increased activity by elements of FDLR, Mayi-Mayi Yakutumba and Burundian Forces nationales de libération.

14. Overall, the number of FARDC military operations supported by MONUSCO decreased. Between 6 and 15 February, MONUSCO supported the FARDC operation Mapema Mupya (New Dawn) in the Kanyabayonga area in North Kivu, which was aimed at deterring armed group activity and enhancing the protection of civilians. FARDC also conducted a number of unilateral operations against FDLR, the Ugandan Allied Democratic Forces (ADF) based in Beni territory, North Kivu, and residual Congolese armed groups in both Kivus. Operation Amani Leo (Peace Today) continued as the framework for support provided by MONUSCO to FARDC operations. Military and judicial pressure, along with increased desertions and voluntary participation of FDLR "officers" in the MONUSCO disarmament, demobilization, repatriation, resettlement and reintegration process, further weakened FDLR. The latter continued recruitments, however, and the formation of loose alliances among FDLR and Congolese armed groups was reported, including for the purpose of consolidating control over mining activities. On 25 January, French authorities transferred the former Executive Secretary of FDLR, Callixte Mbarushimana, to the International Criminal Court in The Hague on charges of crimes against humanity committed in the Democratic Republic of the Congo in 2009.

15. On 31 December 2010, President Kabila issued a decree on the redistribution of ranks within FARDC, including with respect to recently integrated armed group elements. The decree prompted further developments concerning the integration of Congolese armed groups into FARDC. In North Kivu, following the surrender on 27 January of over 400 Mayi-Mayi Kifuafua elements in Hombo, Kalehe territory, South Kivu, efforts were made to secure the group's integration into FARDC. At its request, MONUSCO also supported efforts by the Alliance des patriotes pour un Congo libre et souverain to integrate into FARDC. Discussions in that regard are ongoing.

16. In South Kivu, agreements to integrate into FARDC were reached with the Forces républicaines fédéralistes (FRF) and Mayi-Mayi Kapopo in February and March, respectively. As a result, some 500 FRF combatants were integrated. The former FRF elements remained in the Hauts Plateaux of Minembwe, their former area of operation, as a condition of agreement to integrate. On 21 March, in Mwenga territory, 514 Mayi-Mayi Kapopo elements surrendered, 368 of them being immediately integrated into FARDC. The terms of their integration included the formation of a brigade comprised exclusively of Mayi-Mayi Kapopo elements.

17. Despite these developments, the integration process remained tenuous and limited progress was made in the implementation of the Agreements of 23 March 2009. Some former CNDP elements integrated into FARDC continued to reject the distribution of FARDC identification cards on the grounds that they did not reflect their new ranks. New desertions of former CNDP integrated elements were also reported, as were refusals by integrated armed group elements to accept redeployment. In addition, parallel administrative structures established by CNDP continued in Rutshuru and particularly Masisi territories in North Kivu. On 25 February, the leader of the Front patriotique pour la libération du Congo, Emmanuel Nsengiyumva, was killed by unidentified elements.

18. Against this backdrop, tension among various ethnic communities in Rutshuru and Masisi territories increased and was compounded by competition for land in the context of the spontaneous return of refugees and internally displaced persons and

the preparations for the elections. On 10 March, the ban on artisanal mining activities in the Kivus and Maniema was lifted (see para. 50).

Orientale Province

19. In Haut- and Bas-Uélé districts, there was an increase in attacks, attributed to LRA, which targeted population centres and, in some instances, FARDC. The M'bororo pastoralist group was also increasingly targeted, with MONUSCO Joint Protection Team missions in March confirming reports of summary execution, looting of cattle, sexual violence and other serious human rights violations against the M'bororo.

20. While operation Rudia II and military operations by the Uganda People's Defence Forces in the Democratic Republic of the Congo continued, FARDC, with the support of MONUSCO, launched a number of military operations in response to attacks in the Faradje and Bamangana areas, such as the reported abduction of 38 civilians from Bamangana on 24 February. Operation Eagle Eye was conducted in the Faradje area in Haut-Uélé between 21 and 26 February, and operations Bamangana I and Bamangana II were conducted in the Bamangana area, on the border of Haut- and Bas-Uélé, between 2 and 8 March and 25 and 31 March, respectively. In addition, between 23 and 27 April, MONUSCO launched operation Easter Shield in the Doruma area, following reports of two attacks by LRA in that area. These operations were aimed at enhancing the protection of civilians and facilitating the delivery of humanitarian assistance. MONUSCO also completed the rehabilitation of the road between Dungu and Duru, and continued work on the road from Dungu to Faradje.

21. On 17 March, the Ministers of Defence of the Democratic Republic of the Congo and Uganda met in Kasese, Uganda, to review the progress made regarding operations against LRA and ADF in the Democratic Republic of the Congo. The meeting was also attended by my Special Representative and the Force Commander. The Ministers called for better coordination and increased cooperation to address LRA and ADF and recommended a summit meeting between the two countries to provide further strategic guidance on these issues. In follow-up, late in April, FARDC with the support of MONUSCO began deploying to Haut- and Bas-Uélé an additional battalion which had recently completed training provided by the Government of the United States of America. From 20 to 24 March, a joint mission of experts from the African Union, composed of representatives of the African Union Commission and the Central African Republic, the Democratic Republic of the Congo, Southern Sudan and Uganda, visited the Democratic Republic of the Congo as part of a technical assessment mission to LRA-affected countries in follow-up to the recommendations arising from the regional ministerial meeting on the LRA question, held in Bangui on 13 and 14 October 2010.

22. In Ituri district, between 28 February and 25 March, FARDC, with the support of MONUSCO, conducted operation Bokila Ya Nkoyi (Leopard Chase), aimed at neutralizing the militia which remain active in southern Irumu territory.

Equateur Province

23. On 26 February, representatives of the Enyele and Monzaya communities attended a joint ceremony in Monzaya, marking the end of a conflict between the two which had erupted in October-November 2009. This was supported by Search

for Common Ground, as well as MONUSCO, the Office for the Coordination of Humanitarian Affairs, the Office of the United Nations High Commissioner for Refugees (UNHCR), provincial and local authorities and local non-governmental organizations.

Humanitarian situation

24. An estimated 1.738 million people remained displaced in the Democratic Republic of the Congo, including some 1.25 million in North and South Kivu and 437,000 in Orientale Province. Continued insecurity contributed to some 96,500 new displacements in North and South Kivu and northern Katanga and 33,000 new displacements in the Uélés in Orientale Province. In the meantime, 33,740 displaced persons returned to their area of origin. Humanitarian activities were suspended in several areas in the Kivus owing to insecurity and attacks against humanitarian actors. In North and South Kivu, 47 incidents (30 and 17, respectively) have been recorded since January.

25. During a visit to the Democratic Republic of the Congo from 7 to 10 March, the Under-Secretary-General for Humanitarian Affairs discussed with Government officials the need for enhanced protection of civilians in North and South Kivu and Orientale provinces and the increased number of security incidents affecting humanitarian personnel.

26. The Democratic Republic of the Congo also faced polio and measles epidemics during the reporting period. Between 23 and 25 March, 8 million people were vaccinated against polio in Kinshasa, the area most affected by the epidemic. Vaccinations are planned in May for the remaining affected provinces, including Bas-Congo, Kasaï Occidental and Bandundu. The measles epidemic, which resulted in 107 deaths, affected the provinces of Katanga, Kasaï Oriental, South Kivu and Maniema. An emergency response is being organized by the Congolese health authorities, with the assistance of the World Health Organization and the United Nations Children's Fund, to treat and contain the epidemic. In March, a cholera outbreak erupted in Kisangani, resulting in 78 deaths.

Economic situation

27. On 1 March, the International Monetary Fund commended the strong macroeconomic performance of the Democratic Republic of the Congo in 2010, including a growth rate of 7.2 per cent and an annual inflation of 9.8 per cent. The Fund called for continued vigilance in view of the general elections and high food and fuel prices that were likely to exert pressure on the Congolese economy.

Regional developments

28. Relations between the Democratic Republic of the Congo and the neighbouring countries in the Great Lakes region continued to be consolidated. On 21 January, the Ministers of Defence of Burundi, the Democratic Republic of the Congo and Rwanda, adopted a draft protocol of the Economic Community of the Great Lake Countries (CEPGL) on mutual defence and security. The draft protocol provides for common mechanisms for border control and an agreement to intercept combatants of armed groups fleeing across their borders. On 31 March and 1 April, the Ministers of Foreign Affairs of the CEPGL member States met in Gisenyi, Rwanda, to prepare for a planned summit meeting of Heads of State, during which the

draft protocol would be signed. Separately, on 9 March, a third inter-parliamentary summit meeting of CEPGL was held in Gisenyi, Rwanda.

29. On 25 March, the Government of the Democratic Republic of the Congo recalled its Ambassador to the Republic of the Congo, reportedly as a result of a lack of progress in regard to the repatriation of General Faustin Munene, who was convicted on 4 March to life imprisonment by a military tribunal in Matadi, and of the leader of the Enyele insurgency in Equateur Province, Mangbama Lebesse Udjani. On 15 April, President Joseph Kabila met the President of the Republic of the Congo, Denis Sassou Nguesso, in Kinshasa.

30. The Congolese authorities reported further expulsions of some 2,100 Congolese citizens from Angola since January. On 17 February, the Deputy Prime Minister for Interior and Security, Adolphe Lumanu, discussed the situation in Luanda with his Angolan counterparts. After visiting Angola and the Democratic Republic of the Congo, my Special Representative on Sexual Violence in Conflict, Margot W. Wallström, issued a statement on 16 March calling on both countries to investigate allegations of sexual violence in connection with the expulsions and to take practical steps to prevent such crimes. At the third tripartite meeting of Angola, the Democratic Republic of the Congo and UNHCR, held in Luanda on 28 and 29 March, agreement was reached on the establishment of a working group to discuss the return of some 80,000 Angolan refugees living in the Democratic Republic of the Congo.

III. Progress made by the Mission in the implementation of its mandate

Protection of civilians

31. The Mission made further progress in implementing specific measures to enhance its protection efforts. The establishment of a first phase of community alert networks, which link communities at risk to nearby MONUSCO company and temporary operating bases by mobile phone, is nearing completion; 21 of 25 networks covering 200 communities in North Kivu, South Kivu and Orientale provinces were initiated, 11 of which are operational. The networks complement the distribution of high frequency radios by other partners. MONUSCO initiated a review of the first phase to ensure that concerns relating to the protection of community focal points are addressed in a following phase.

32. Coordination mechanisms to improve civilian protection were also improved. Humanitarian partners of MONUSCO were fully integrated into the Senior Management Group on Protection and into the protection working groups working at the provincial level. In addition, United Nations agencies, funds and programmes increasingly participated in Joint Protection Team missions, 10 of which have been undertaken since January. Steps were also taken to improve follow-up recommendations of the Team.

Preparations for the elections

33. The Mission continued to provide logistical and technical support in the preparations for the elections. The voter registration process, aimed at updating the list of voters, was completed in Maniema on 17 February and, with the exception of Kinshasa, was launched in the remaining provinces: in Katanga and Kasaï

Occidental on 9 March, and in South Kivu, North Kivu, Orientale, Equateur, Bandundu and Kasaï Orientale between 2 and 6 April. While the voter registration process was expected to be completed in each of the provinces within 90 days, equipment failures and logistical and security challenges delayed the functioning of a number of registration centres, particularly in the Kivus and Orientale Province.

34. The Mission completed the distribution of some 1,628 tons of voter registration material to 13 hubs and 210 subsidiary hubs across the country. CENI also procured an additional 1,500 voter registration kits for use in Kinshasa and for the replacement of obsolete kits, where necessary. In addition, MONUSCO developed a plan which will require additional resources for the logistical support it will provide to the elections, including air and ground transportation support, freight costs and warehousing.

35. With the aim of assisting the Congolese authorities to provide electoral security, MONUSCO police continued specialized training of National Police officers at the provincial level on security for the general elections, with a focus on information gathering and protection of polling stations. Some 1,800 police officers, including 97 women, have been trained. In addition, MONUSCO has been conducting refresher training courses for six Police d'intervention rapide (PIR) units in Kinshasa. The Government of France, in with the European Union Police Mission in the Democratic Republic of the Congo, agreed to train and equip an additional two PIR units, and the Congolese authorities will train a further two. This would make available an additional public order management capacity of 10 PIR units, or some 5,000 police personnel, by October.

Stabilization and peace consolidation

36. The security situation continued to affect the implementation of the International Security and Stabilization Support Strategy in support of the Government's Stabilization and Reconstruction Plan for War-Affected Areas. Approximately $230 million have been mobilized for the Strategy, some 60 per cent of which have been spent. In follow-up to a meeting of partners of the Stabilization and Reconstruction Plan and Support Strategy, convened in Goma on 15 February and co-chaired by the Minister of Defence and my Deputy Special Representative and Resident and Humanitarian Coordinator, an action plan and priorities have been drawn up for stabilization activities. MONUSCO also strengthened the coordination of the Plan and the Strategy through enhanced consultations with Government, the United Nations country team, non-governmental organizations and donor partners.

37. Within the framework of the Stabilization and Reconstruction Plan and the Support Strategy, eight State facilities were handed over to national authorities. These included police and administrative facilities in Masisi and Rutshuru territories in North Kivu; police, administrative and judicial facilities in Walungu, South Kivu; and a nautical training centre for the border police in Ituri district. Some 69 facilities have been built under the Support Strategy, with an additional 25 in the pipeline; however, there are concerns with regard to their staffing. In some cases, magistrates have yet to be deployed to new judicial facilities and police detachments in some target areas remain significantly under the planned strength.

38. The Government continued to develop the peace consolidation programme, with support provided by MONUSCO, the United Nations country team and international partners. The objectives of the programme are to assist the

implementation of the structural reforms needed to give the Congolese State the capacity to project its authority nationwide, to strengthen the capacity of communities to respond to adverse shocks, to provide economic opportunities to unemployed youth and other high-risk groups, and to deliver tangible peace dividends in the western provinces. Draft provincial peace consolidation programmes have been developed in seven of the provinces concerned, namely Orientale, Bas-Congo, Bandundu, Katanga, Equateur, Kasaï Occidentale and Kasaï Oriental. On 29 March, a high-level meeting was convened by the Prime Minister and nine of the relevant Ministers with MONUSCO, the United Nations country team and donor partners to discuss national priorities and the draft second-generation poverty reduction strategy paper for the period 2011-2015.

Support provided to FARDC

39. The Mission continued to provide logistical support to FARDC units involved in operations Amani Leo, Rudia II and Western Thrust in Equateur Province, Iron Stone in Orientale Province, Bokila ya Nkoyi in southern Irumu territory, and Mapema Mupya in North Kivu. In keeping with the conditionality policy, MONUSCO continued to screen FARDC battalion commanders for human rights violations prior to providing logistical and other support, to monitor the distribution of supplies and the conduct of operations, and to intercede with Congolese authorities in cases in which violations of human rights by FARDC were confirmed. Challenges, however, remain in monitoring the conduct of FARDC units receiving MONUSCO support on the ground and in securing the removal from the wider chain of command of problematic FARDC officers, especially in North Kivu. The Mission continued to revise its practices and procedures, in particular to strengthen monitoring and oversight to ensure that only approved battalions benefit from MONUSCO support. MONUSCO also continued its efforts to increase awareness among FARDC troops regarding the conditionality policy and the need to respect human rights.

40. The conditionality policy continued to be implemented in all MONUSCO-supported operations. The Mission initiated the procedure for suspension of the support provided to three battalions in Equateur Province and Ituri district should corrective action not be taken by FARDC to address the human rights violations perpetrated by elements of these battalions.

Human rights

41. The period under review was marked by the persistent violations of human rights and international humanitarian law by armed groups and national security forces, and by an increase in human rights violations against opposition party members and supporters. In January and February, at least 65 people, including minors, were reportedly raped by FDLR combatants during four attacks carried out in the locality of Bwala, Fizi territory, South Kivu. While some progress was made to bring to justice FARDC perpetrators of human rights violations in South Kivu, the responses of the judicial authorities to human rights violations in North Kivu and Orientale Province remained inadequate. As indicated in paragraph 12, no progress was made in the case of mass rapes and other human rights violations committed between 30 July and 2 August 2010 by a coalition of armed groups along the Kibua-Mpofi axis, Walikale territory, North Kivu. "Lieutenant Colonel" Sadoke Kikunda Mayele, a former commander of the Mayi-Mayi Cheka, is the only alleged perpetrator in detention in Goma. Interviews of witnesses and victims have been

suspended in the area owing to protection concerns, despite increased deployment and patrolling by MONUSCO in the area.

42. In South Kivu, a number of trials were held regarding cases of human rights violations by FARDC officers. On 21 February, the South Kivu Military Court in Baraka sentenced 11 FARDC elements, including the deputy commander in charge of operations, Lieutenant Colonel Kibibi Mutware, for crimes against humanity, including rape, committed on 1 and 2 January in the village of Fizi. On 9 March, the South Kivu Military Court in Kalehe sentenced 11 FARDC elements, including a lieutenant colonel, major and captain, for crimes against humanity committed in Katasomwa between 22 and 29 September 2009. On 26 March, the military garrison tribunal in Walungu sentenced 14 FARDC elements for rape, other acts of sexual violence and armed robbery committed in Walungu territory during several separate incidents. In Kinshasa, on 25 March, the High Military Court began the trial of General Jérôme Kakwavu, one of five FARDC officers accused of human rights violations, whose names were on a list given by a Security Council delegation to the Government of the Democratic Republic of the Congo during a visit to Kinshasa in 2009. The trial for, the case of the killings on 2 June 2010 of human rights activist Floribert Chebeya Bahizire and his driver, Fidèle Bazana, is ongoing.

43. The situation facing political opponents, human rights defenders and journalists prior to the general elections, is of concern. As indicated in paragraph 7, the United Nations Joint Human Rights Office at MONUSCO has since January recorded over 100 reported incidents, particularly in Kinshasa, Maniema, South Kivu and Orientale provinces, targeting political opponents and, to a lesser extent, journalists and human rights defenders. The incidents mostly affected the right to liberty and security of person, to freedom of expression and to peaceful assembly. Several human rights defenders were also threatened and harassed in connection with advocacy related to human rights issues and the illegal exploitation of natural resources.

44. The United Nations Joint Human Rights Office continued to investigate alleged violations of human rights and international humanitarian law committed by both armed groups and national security forces. The Office carried out investigations into the mass rapes and other human rights violations allegedly committed by ex-CNDP elements of FARDC in the villages of Bushani and Kalambahiro, Masisi territory, North Kivu Province, on 30 December 2010 and 1 January 2011. It found that 47 women had been victims of rape and other acts of sexual violence, 12 civilians had been subjected to cruel, inhuman or degrading treatment, and 2 had been abducted. The perpetrators also engaged in widespread looting, including of some 100 houses.

45. On 25 March, the Human Rights Council adopted resolution 16/35, in which it expressed concern at the current human rights situation in the Democratic Republic of the Congo and urged the Government to redouble its efforts to expeditiously put an end to all violations of human rights and bring perpetrators to justice.

Sexual violence

46. The Mission continued to coordinate support for the implementation of the national strategy on sexual and gender-based violence, under which five programmes in the areas of prevention and protection, combating impunity, multisectoral assistance, security sector reform, and data and mapping are being implemented in Ituri district and South Kivu. MONUSCO harmonized methodologies for data collection and management in relation to the database compiling information on

reported acts of sexual violence in Kinshasa and North Kivu. Since January, United Nations agencies, funds and programmes and partners implementing projects under the national strategy provided medical, psychosocial, and socioeconomic assistance to 1,538 victims of sexual violence in Ituri and 1,174 victims in South Kivu.

47. During a visit to the Democratic Republic of the Congo between 2 and 6 February, my Special Representative on Sexual Violence in Conflict met President Kabila and other Government officials to strengthen collaboration in the execution of the Comprehensive Strategy on Combating Sexual Violence in the Democratic Republic of the Congo, developed under the auspices of the United Nations, which supports the implementation of the national strategy.

48. The United Nations Joint Human Rights Office continued to provide support for the establishment and functioning of legal clinics dealing with sexual violence issues; nine of the clinics, which are managed by local non-governmental organizations, have become operational since January. On 21 March, the United Nations Joint Human Rights Office and MONUSCO police, in partnership with the European Union Police Mission, began two months of training of trainers on investigation techniques for sexual violence offences in Bas-Congo for 50 judicial police officers. In April, MONUSCO began training 30 National Police trainers on sexual violence issues.

Children protection

49. Since January, MONUSCO has documented the release of 376 children from FARDC and Congolese armed groups, mainly in the eastern part of the country. Thirty-six children were also separated from FRF during its integration into FARDC. No progress was made concerning the development of an action plan to halt the recruitment and use of child soldiers in pursuance of Security Council resolutions 1539 (2004), 1612 (2005) and 1925 (2010). In a positive development, on 17 February, the Superior Council of Judiciary announced the nomination of 12 judges, assigned to a new tribunal to address cases related to children.

Illegal exploitation of natural resources

50. Following a six-month suspension, artisanal mining activities in the Kivus and Maniema resumed on 10 March. On 1 March, the Ministry of Mines organized a national forum which adopted several actes d'engagements regarding the traceability and certification of commercialized minerals. The actes were signed by relevant mining actors in the Democratic Republic of the Congo, including the Governors of the Kivus and Maniema, artisanal miner representatives, trading counter holders and mineral traders, civil society, the holders of mining rights, transporters, and the local Congolese mining authorities.

51. The Mission continued to cooperate with the Ministry of Mines to improve the tracing of minerals in the eastern part of the country through the establishment of trading counters. In this connection, the construction of three of the five planned trading counters at Isanga, Walikale territory, and Rubaya, Masisi territory, in North Kivu, and at Mugogo, Walungu territory, in South Kivu, was completed. It was also agreed that a validation process would be established to ensure that only "clean" minerals are traded at the counters. The process will cover mining sites within a 25 km radius of each counter. In addition, the Ministry of Mines began establishing points of sale in areas beyond the scope of the trading counters. Five locations for

the points of sale have been identified in Maniema Province, and additional locations are being identified in the Kivus.

Disarmament, demobilization and reintegration, and disarmament, demobilization, repatriation, resettlement and reintegration

52. Although the overall number of FDLR surrendering decreased slightly compared to the previous reporting period, an increasing number of FDLR "officers" participated in the MONUSCO disarmament, demobilization, repatriation, resettlement and reintegration programme. On 5 January, "Lieutenant Colonel" Dmitry Bizimana was repatriated to Rwanda, and on 17 February, "Lieutenant Colonel" Mutima Bisengimana surrendered to MONUSCO. Both were part of the senior command structure of FDLR in the Democratic Republic of the Congo. Since January, 444 FDLR combatants demobilized, including 259 Rwandans and 185 Congolese. Results regarding ADF and LRA remained modest, with eight LRA and two ADF surrenders or desertions during the reporting period.

53. The start of the disarmament, demobilization and reintegration process targeting 4,000 Congolese residual combatants, scheduled to begin on 5 March, was temporarily suspended pending further consultations with the Ministry of Defence.

Support for security sector reform

54. The Mission continued efforts to enhance strategic dialogue with senior Government officials and international partners on security sector reform, and co-chaired working group meetings with Congolese authorities. Progress in harmonizing and increasing the support of international partners for the Government's FARDC reform initiatives, however, remained limited. MONUSCO also worked with Government counterparts in compiling information to map existing security sector institutions in the Democratic Republic of the Congo, although the military component of the exercise was postponed. In addition, MONUSCO continued the development of a matrix outlining initiatives that support the Government's reform plans for FARDC and the police, judiciary and correction systems.

Police

55. Police experts of MONUSCO continued to provide support to the executive secretariat of the steering committee for police reform, including in respect of training for police de proximité (community policing) at Matadi, Kananga, Bukavu and Kinshasa. The police census was conducted in Kinshasa, Katanga, Kasaï Orientale and Occidental provinces, with the MONUSCO police participating as an independent observer. In addition, the acting Inspector General of the National Police approved plans for the establishment of a body to implement the reform of the National Police developed by the aforementioned steering committee, which now await the signature of the Minister of Interior and Security. On 10 March, MONUSCO police completed the six-month basic training of 500 integrated police elements at the Kapalata centre. Progress with regard to President Kabila's request for MONUSCO to assist in training, equipping and garrisoning 20 police units, or for equipping three military police battalions, remains limited because of the lack of complementary support by donors to provide the necessary basic equipment (see S/2010/164).

Rule of law and corrections

56. The state of the judicial and correctional systems in the Democratic Republic of the Congo remains a concern, particularly in relation to the independence of the judiciary, the high number of pre-trial detainees, poor detention conditions and recurrent mass escapes from detention. MONUSCO began procuring equipment for three prosecution support cells and the recruitment of personnel is also under way. The United Nations standing police capacity deployed staff to assist in the formulation of standard operating procedures for operations and actions between the prosecution support cells and Government officials. Approval by the Minister of Justice and Human Rights of the draft United Nations multi-year justice support programme, jointly developed by the Ministry of Justice and Human Rights, MONUSCO, UNDP, the United Nations Office on Drugs and Crime and the Office of the United Nations High Commissioner for Human Rights, remained pending.

57. With regard to efforts to deploy some 2,000 Congolese magistrates, the United Nations Joint Human Rights Office trained 1,000 magistrates on the right to fair trial and provided support to the Superior Council of Magistrates and the Inspectorate of Judiciary Services in North Kivu, Orientale, Bas-Congo and Kinshasa, in regard to prison administration and for the deployment of magistrates in civil and military prosecutor's offices.

58. On 3 February, the Minister of Justice and Human Rights appointed a single Director of Prisons for the country, an important step in the institutional reform plan proposed by MONUSCO. Some 50 correctional officers have now been deployed to MONUSCO. The Mission conducted a prison needs assessment exercise and organized enhanced advisory, coaching and mentoring activities for national penitentiary facility authorities. In addition, MONUSCO completed the rehabilitation of units in prisons in Matadi, Makala, Tshela, Bunia and Kananga. MONUSCO also reinforced security installations and the provision of electricity and water in prisons in Kisangani, Bukavu, Bunia, Goma and Aru. MONUSCO continued to provide technical assistance in reviewing prisoner files to identify cases of long pre-trial detention for the attention of judicial authorities, with the aim of reducing overcrowding in prisons. In collaboration with MONUSCO police, 100 members of the National Police were trained on prison security.

Joint assessment process

59. The United Nations and the Government of the Democratic Republic of the Congo continued to conduct an assessment of the situation on the ground and of the progress made towards the implementation of the objectives outlined in paragraph 6 of Security Council resolution 1925 (2010). Since the start of the exercise in June 2010, joint Government and United Nations teams have visited 124 territories and localities at least once. The sites, which were jointly selected, provide a representative sampling of conditions on the ground, with a particular focus on areas that have experienced armed conflict and in which armed groups are still present. The results of site visits were jointly reviewed at the provincial and national levels, producing a common understanding of the information gathered.

60. The results of the assessment process indicate that where violence and protection challenges remain, in several areas, there has been a shift from organized and coordinated attacks towards common criminality or acts of banditry by elements

of armed groups. On this basis, areas were identified in which efforts to help the Congolese authorities to address insecurity should be continued.

61. The degree to which State institutions, police and the national army are present and functional in these areas varies considerably. A common thread linking virtually all the areas, however, was the pressing need to secure adequate resources for State institutions and the national security forces in terms of sufficient numbers of adequately trained and equipped personnel, as well as the logistical support and suitable infrastructure to deliver State services. The assessment was not able to examine the impact of the FARDC restructuring process, which is continuing.

62. Concerning the protection of civilians, the assessment process confirmed the continued threat posed by armed groups in areas in which military operations are being conducted, and in isolated areas to which access is difficult. This was particularly the case in Ango territory and Bas-Uélé district in Orientale Province, southern Irumu territory in Ituri district, specific areas in the territories of Rutshuru, Masisi and Walikale in North Kivu Province, and remote areas in the territories of Mwenga, Walungu, Kabare, Kalehe, Fizi and Shabunda in South Kivu Province. In those areas, despite a reduction in the numbers of foreign and Congolese armed groups, civilians are still victims of violence committed by elements of armed groups and access, even with the support of MONUSCO, remains difficult. The joint assessment also noted a relative decrease in human rights violations perpetrated by elements of the national security forces in certain areas and some progress in bringing perpetrators to justice by the Congolese authorities, for which MONUSCO provided support.

63. The exercise was characterized throughout by excellent cooperation and communication between the Government and MONUSCO teams. It has contributed to a more constructive engagement between the United Nations and the Congolese authorities, and significantly improved the dialogue between the Mission and the Government beyond the scope of the assessment.

Mission deployment

64. Following the withdrawal in July 2010 of four attack helicopters and five utility helicopters, MONUSCO in April completed the repatriation to India of six additional utility helicopters. The withdrawals have left MONUSCO with just 14 utility and observation helicopters and 4 combat helicopters. On 17 March, the Government of South Africa pledged one additional utility helicopter for use by MONUSCO.

65. The Government of Egypt confirmed the deployment by July of a formed police unit, which will be based in Bukavu, South Kivu, in pursuance of the additional requirements outlined in Security Council resolution 1843 (2008).

Financial implications

66. By resolution 64/275 of 24 June 2010, the General Assembly appropriated the amount of $1,365.0 million for the maintenance of the Mission for the period from 1 July 2010 to 30 June 2011. The proposed budget for MONUSCO for the period from 1 July 2011 to 30 June 2012 has been submitted to the General Assembly for consideration during the second part of its resumed sixty-fifth session.

67. As at 31 March 2011, unpaid assessed contributions to the MONUSCO Special Account amounted to $353.3 million. Total outstanding assessed contributions for all peacekeeping operations at the same date amounted to $1,530.1 million.

68. As at 25 April 2011, amounts owed to troop contributors totalled $20.5 million for the month of March 2011. Reimbursements for the costs of troop and formed police units and for troop and formed police-owned equipment have been made for the period up to 28 February 2011 and 31 December 2010, respectively, in accordance with the quarterly payment schedule.

IV. Observations and recommendations

69. While progress has been made following the successful completion of the country's transition in 2006, the situation in the eastern Democratic Republic of the Congo remains fragile. A number of challenges continue to hinder efforts to establish durable stability in the country, including the continued presence of armed groups in North and South Kivu and Orientale provinces; serious acts of violence against civilians; limited progress in building professional and effective national security and rule of law institutions; and competition over the illegal exploitation of natural resources, which fuels conflict and instability in the absence of an effective State presence.

70. The timely conduct of general elections which are transparent, credible, peaceful and secure will be vital for the future legitimacy of the democratic institutions in the Democratic Republic of the Congo and in ensuring the consolidation of peace and stabilization in the country. I urge Congolese stakeholders across the political spectrum to engage in dialogue and to work together in a spirit of cooperation in order to ensure that the general elections are held in an environment that allows for inclusive and peaceful participation and that the polls conform with internationally recognized democratic standards and norms.

71. I am encouraged by the initiation by the Chairman of CENI of consultations on the general elections with a wide range of electoral stakeholders, including the political parties, civil society and the security forces. At the request of CENI, the Mission has helped to facilitate dialogue among various Congolese stakeholders. Such consultations will help to build confidence among the stakeholders and I encourage CENI to hold them also at the provincial level. This consultative approach would be very useful in addressing issues such as the early adoption of codes of conduct for CENI and political parties, and the timely accreditation of the national and international electoral observers who will play an important role in monitoring the polls.

72. The preparations for the elections should be accompanied by a free and constructive political debate that is conducted peacefully. In this connection, the reports of acts of harassment and violence against opposition members and supporters, journalists and human rights defenders, many of which have involved elements of the national security forces, are of concern and require close monitoring by international partners. Such acts violate the crucial freedoms of speech and assembly and undermine the ability of the political parties which have been targeted to organize and campaign for the general elections. I urge the Congolese authorities and other relevant stakeholders to take the steps needed to put an end to such acts, which could undermine the credibility of the polls and increase the risk of violence.

I also encourage the national authorities to continue to make efforts to create the necessary political space for civil society, political parties and prospective candidates to organize and carry out their activities.

73. Delays in the voter registration process continue to pose challenges to the timely conduct of the polls. The completion of that process is a prerequisite for the finalization of the list of electoral constituencies and allocation of seats needed for the national legislative polls to be conducted. The progress made in registering voters is commendable given the significant operational, logistical and security challenges involved; however, I urge CENI to ensure the timely completion of voter registration by expeditiously addressing the remaining technical and logistical obstacles.

74. Regrettably, as we have seen elsewhere in the world, elections can be accompanied by increased violence prior to, during and following the polls. I urge the Congolese authorities to ensure the safety and freedom of movement of all candidates for the general elections and to ensure secure conditions for the conduct of the polls, including at the polling stations. The national police units trained by MONUSCO on electoral security should be provided with the requisite equipment, which the Mission itself is not currently mandated to provide. I encourage donors urgently to provide such equipment, as well as the financial support needed to initiate the training, equipping and garrisoning of police units and three military police battalions, in response to the request made by the Government in March 2010.

75. During the next phase, the Mission will continue to focus on protecting civilians and supporting FARDC operations to neutralize the foreign and Congolese armed groups that remain active in the eastern part of the country. MONUSCO has continued to support FARDC in conducting military operations in accordance with the Mission's conditionality policy. There has, however, been limited improvement in the operational capacity of FARDC, as envisaged in the Government's army reform plan. While the reform of the security forces is a sovereign prerogative, I encourage the Government to address the underlying issue of the cohesiveness of the national army, including through building a professional and adequately equipped and supplied FARDC. In the absence of such reforms, the capabilities of FARDC will continue to be limited. I would urge Member States to increase their support for training and equipping FARDC.

76. Progress is being made in regard to the long-standing military and non-military efforts to address the threat posed by FDLR. These efforts need to be sustained, including through continued military operations, judicial action against key FDLR leaders and disarmament, demobilization, repatriation, resettlement and reintegration efforts. The integration of CNDP and other Congolese armed groups into FARDC, however, remains problematic owing to inadequate training opportunities for the integrated elements, indiscipline and non-acceptance of command authority, and ongoing disputes regarding the ranks assigned to newly integrated elements. I therefore encourage all parties involved to identify and take the requisite measures to complete the integration process successfully.

77. I remain concerned by the increase in LRA attacks against civilians and the abductions carried out by this armed group in the border area between the Democratic Republic of the Congo, Southern Sudan and the Central African Republic. The Governments of the Democratic Republic of the Congo and Uganda have continued to meet to determine how they can address the presence of LRA in the Democratic Republic of the Congo. I welcome the steps taken by the African

Union and countries in the region affected by LRA to better define a coordinated strategy to deal with the armed group and improve protection of civilians. In this connection, a United Nations multidisciplinary team will soon visit the Central African Republic, the Democratic Republic of the Congo, the Sudan and Uganda to assess the LRA threat and make recommendations to strengthen and better coordinate United Nations efforts to help address the LRA problem in the subregion. The team will also meet in Addis Ababa with representatives of the African Union Commission.

78. The levels of insecurity, violence and human rights abuses in the Kivus and Orientale Province remain alarming. I encourage the Congolese authorities to hold accountable all those responsible for the mass rapes and looting in Walikale in July and August 2010. In South Kivu, I welcome the trials of armed group and FARDC elements, including of officers, on charges of serious human rights violations. Addressing the culture of impunity, however, requires systematic and consistent follow-up whenever human rights violations are reported and by structural improvements in the rule of law and correctional systems. In this connection, I urge the Government to approve the United Nations multi-year joint justice support programme, developed with the Ministry of Justice and Human Rights and other partners, and to move forward with its implementation.

79. I remain concerned by the reduced helicopter capacity of MONUSCO following the repatriation, in April, of a further six military utility helicopters to India. I welcome the willingness of the Government of India to extend its contribution to MONUSCO of four combat helicopters, and the confirmation of the pledge of the Government of South Africa to provide the Mission with an additional military utility helicopter. I encourage Member States which have indicated a willingness to provide additional utility and combat helicopters to MONUSCO to confirm their pledges, and appeal to other Member States urgently to contribute military helicopters, so that progress can be made on filling this critical capability gap as soon as possible. If this gap persists, the Mission's capacity to carry out its mandate will be undermined.

80. The completion of State facilities under the International Security and Stabilization Support Strategy for the Government's Stabilization and Reconstruction Plan for War-Affected Areas is an important step towards an enhanced State presence in eastern Democratic Republic of the Congo. I urge the Congolese authorities expeditiously to ensure that these facilities are staffed and made operational so that progress can be made in extending State authority. MONUSCO and the United Nations country team have made progress in regard to the finalization of the peace consolidation programme for the western provinces. I welcome the increasing leadership of the Government with respect to the implementation of the Stabilization and Reconstruction Plan and the development of the peace consolidation programme, and encourage donors to support these initiatives. I also welcome the initial steps taken by the Congolese mining authorities to address the tracing and certification of the minerals mined and traded in eastern Democratic Republic of the Congo, following the lifting of the ban on artisanal mining.

81. At the regional level, the rapprochement among the Democratic Republic of the Congo, Rwanda and Burundi within the CEPGL framework is an important step. The draft CEPGL protocol on defence and security, once signed, can contribute to the further consolidation of peace and security in the region. I encourage the

Government of the Democratic Republic of the Congo to continue to strengthen relations with neighbouring countries and address cross-border challenges through dialogue and cooperation. In this connection, I welcome the summit meeting held between the Presidents of the Democratic Republic of the Congo and the Republic of Congo on 15 April. As called for by my Special Representative on Sexual Violence in Conflict, I also encourage the Democratic Republic of the Congo and Angola to investigate allegations of sexual violence in connection with the expulsions of Congolese nationals from Angola and to take practical steps to prevent such crimes.

82. I welcome the improved dialogue between the United Nations and Congolese authorities which accompanied the joint assessment process. The additional phases of the process have not indicated the need, at the present stage, for any reconfiguration of the mandate or deployment of MONUSCO. The Mission, together with the United Nations country team and international partners of the Democratic Republic of the Congo, remains committed to supporting the country to continue to make progress towards the achievement of the objectives outlined in paragraph 6 of Security Council resolution 1925 (2010).

83. In the light of the above, I recommend that the mandate of MONUSCO be extended by a further period of 12 months, with the Mission's military troop and police unit strength maintained at current authorized levels. I also recommend that the Mission continue to provide logistical and technical assistance for the timely conduct of credible, free, fair and transparent elections. MONUSCO should continue to assist CENI in encouraging and facilitating dialogue among all stakeholders. In addition, MONUSCO should continue to protect United Nations personnel and assets and, consistent with its existing mandate, and provided sufficient aviation assets are made available, to contain violent acts that threaten the protection of civilians during the electoral period. I note that additional resources would need to be approved by the General Assembly in order for MONUSCO to provide such support without impacting the implementation of other currently mandated tasks. In keeping with the Mission's increased emphasis on stabilization, MONUSCO should also continue to support the Government's Stabilization and Reconstruction Plan for War-Affected Areas through the International Security and Stabilization Support Strategy in eastern Democratic Republic of the Congo, and work with the United Nations country team and national counterparts towards the adoption and implementation of the peace consolidation programme for western provinces.

84. I would like to conclude by expressing my appreciation to the MONUSCO civilian, military and police personnel who support the stabilization effort of the Democratic Republic of the Congo under the leadership of my Special Representative, Roger Meece. I also recognize the countries contributing troops and police to MONUSCO. My appreciation is also extended to the United Nations country team, the humanitarian community, donor countries and multilateral and non-governmental organizations. In the wake of the tragic airplane crash on 4 April, I pay special tribute to those who paid the ultimate price in the search for peace in the Democratic Republic of the Congo, and express my heartfelt and deepest condolences to those who lost their loved ones, colleagues and friends.

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